

Notice of Allowability

Application No.

09/652,899

Examiner

Jalatee Worjloh

Applicant(s)

BISHOP ET AL.

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10-25-07.
2. ☒ The allowed claim(s) is/are 1-4, 43-46 and 90-103.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).


* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Jalatee Worjloh
Primary Examiner
Art Unit: 3621

1. Claims 1-4, 43-46 and 90-103 are allowed.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
3. Authorization for this examiner's amendment was given in a telephone interview with Stephen T. Scherrer on December 18, 2007.

The application has been amended as follows:

Claim 1 , step d:

- replaced "to verify" with "and verifying"

Claim 1, step h:

- replaced "to provide access" with "providing access"

Claim 43 , step d:

- replaced "to verify" with "and verifying"

Claim 43, step h:

- replaced "to provide access" with "providing access"

Claim 90 , step d:

- replaced "to verify" with "and verifying"

Claim 90, step h:

- replaced "to thereby permit" with "permitting"

Claim 98 , step d:

- replaced "to verify" with "and verifying"

Claim 98, step i:

- replaced "to thereby permit" with "permitting"

Reasons for Allowance

4. The following is an examiner's statement of reasons for allowance:

Regarding the claimed terms, the Examiner notes that a "general term must be understood in the context in which the inventor presents it." *In re Glaug* 283 F.3d 1335, 1340, 62 USPQ2d 1151, 1154 (Fed. Cir. 2002). Therefore the Examiner must interpret the claimed terms as found on pages 1- 29 of the specification. Clearly almost all the general terms in the claims may have multiple meanings. So where a claim term "is susceptible to various meanings, . . . the inventor's lexicography must prevail" *Id.* Using these definitions for the claims, the claimed invention was not reasonably found in the prior art.

5. The closest prior art of record is US Patent No. 6327578 to Linehan.

Linehan discloses a four-party credit/debit payment protocol. However, Linehan does not teach at least receiving, at said second server, a second request from said user, said second request including said portion of said assembled credentials provided to said user and validating, at said second server, said portion of said assembled credentials provided to said user with said key of said assembled credentials and providing to a transaction service as recited in independent claims 1 and 43 and receiving, at said second server, a second request from said user indicating readiness to complete the transaction, said second request including said portion of said assembled credentials provided to said user and validating, at said second server, said portion of said assembled credentials provided to said user with said key of said assembled credentials and permitting processing and completion of said transaction as recited in independent claim 90 and receiving, at said second server, a second request from said user, said second request including said portion

of said assembled credentials provided to said user and validating, at said second server, said portion of said assembled credentials and permitting processing and completion of said transactions as recited in independent claim 98. Moreover, the missing claimed element from Linehan is not found in a reasonable number of reference(s). Yet even if the missing claimed element was found in a reasonable number of references, a person of ordinary skill in the art at the time the invention was made would *not* have been motivated to include this missing element in an embodiment in the Linehan.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion


6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US Patent No. 7096494 to Chen discloses cryptographic system and method for electronic transactions.
- US Patent No. 5668876 to Falk et al. discloses an authentication process where a user initiates a service access through terminal by transmitting the request over a service access network to a service node. The node generates a challenge code and sends it to the user and the user sends a response.
- US Patent No. 7287271 to Riggins discloses system and method for enabling secure access to services in computer network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jalatee Worjloh whose telephone number is 571-272-6714. The examiner can normally be reached on Monday - Friday 9:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on 571-272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300 for regular communications and 571-273-6714 for Non-Official /Draft.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Jalatee Worjloh
Primary Examiner
Art Unit 3621

December 18, 2007